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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/785,543 | 02/24/2004 | John C. C. McIlwaine | 07117.105018 | 8142 |
| 20786 | 7590 | 08/14/2006 | EXAMINER | |
| KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309 | | | | NGUYEN, QUYNH H |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/785,543 | MCLLWAINE ET AL. | |
| | Examiner Quynh H. Nguyen | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 31-53 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 38-39 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent 6,128,380).

As to claims 38 and 50, Shaffer et al. does not teach the training material comprises advice for improving the evaluated skill. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an advice in the training material for the purpose of guiding agents about their skills that they already possessed and what skills need to be trained next. The advantage of having an advice in the training material is well known. For example, recommend what is the next training skill after the agents finished one particular training.

As to claims 39 and 51, Shaffer et al. does not explicitly teach a list of information breaks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that in Shaffer's system, there exist a list of training information or information breaks so that when an agent is available, "pushes more training" to the agent from the list of training or information breaks, for the purpose of utilizing idle time or break time for training from a list of information breaks. The advantage of having a list of information breaks is to prioritize the list in any order according to one's preference in order to easily maintain the training information and deliver the information to agents when needed.

4. Claims 40-41 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent 6,128,380) in view of Pattison et al. (6,058,164).

As to claims 40-41 and 52-53, Shaffer et al. teaches updating agent's skill resume when the agent completes training (col. 6, lines 33-35). However, Shaffer et al. does not teach providing the evaluation, the skill, and an identifier for the assigned training material to a manager.

Pattison et al. teaches providing automatic scheduling and monitoring system to the manager (col. 4, lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Pattison into the teachings of

Shaffer for the purpose of keeping the manager up-to-date with agents' skills and training material in order to assist manager with load balancing in call center.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 31-37 and 42-49 rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al. (U.S. Patent 6,128,380).

As to claim 31, Shaffer et al. teaches the steps of: receiving an evaluation of the contact agent (col. 5, lines 5-7); associating the evaluation with a skill without manual intervention (col. 5, lines 45-55); associating the skill of the evaluation with a training material related to the skill (col. 5, lines 49-55); associating a priority to the training material based on the contact agent's evaluation (col. 4, lines 13-17; col. 6, lines 15-18 - *where Shaffer discussed if more agents familiar with flights to London are needed, then training related to London flights is automatically delivered, and if a large amount of calls are related to a change in a co-payment requirement, then train agent in the medical benefits queue, hence prioritize the training material based on the agent's evaluation*); and assigning the training material to the contact agent based on the priority (col. 4, lines 15-16; col. 6, lines 16-17).

As to claims 32 and 44, Shaffer et al. teaches modifying the priority based on importance of the skill (col. 4, lines 13-17 - *where Shaffer discussed if more agents familiar with flights to London are needed, then training related to London flights is automatically delivered, hence it inherent that training related to London flights was modified to have higher priority than other types of training*).

As to claims 33 and 45, Shaffer et al. teaches placing the training material in a queue with one or more other training materials to be delivered to the contact agent (col. 5, lines 24-29 line 66 through col. 6, line 1).

As to claims 34 and 46, Shaffer et al. teaches delivering the training material to the contact agent (col. 4, lines 15-16).

As to claims 35 and 47, Shaffer et al. teaches: receiving agent workload data (col. 3, lines 21-23); and determining a time for delivering the training material to the contact agent based on the agent workload data (col. 4, lines 8-17).

As to claims 36 and 48, Shaffer et al. teaches: receiving call center load data (col. 4, lines 8-10); and determining a time for delivering the training material to the contact agent based on the agent workload data (col. 4, lines 8-17).

As to claims 37 and 49, Shaffer et al. teaches receiving call center load data (col. 4, lines 8-10); and terminating the delivery of the training material based on the call center load data (col. 6, lines 37-42).

Claim 42 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Shaffer et al. teaches a computer-readable medium having

computer executable instructions for performing the steps recited in claim 31 (Figs. 1-3; col. 3, line 62 through col. 4, line 12).

Claim 43 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Shaffer et al. teaches a communications network (Fig. 1) and a monitoring component (Fig. 1, server 30).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 5:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quynh H. Nguyen
Quynh H. Nguyen
Patent Examiner
Art Unit 2614